

## **Public Notice – Environmental Regulation**

**Notice of action:** The Department of Environmental Quality will hold a public hearing on a proposed revision to the Commonwealth of Virginia State Implementation Plan (SIP). The SIP is plan developed by the Commonwealth in order to fulfill its responsibilities under the federal Clean Air Act to attain and maintain the ambient air quality standards promulgated by the U.S. Environmental Protection Agency (EPA) under the Act. If adopted, the Commonwealth intends to submit the regulation to the EPA as a revision to the SIP in accordance with the requirements of § 110(a) of the federal Clean Air Act.

**Regulation affected:** The regulation of the board affected by this action is: Regulation for Transportation Conformity (9 VAC 5 Chapter 151).

**Purpose of notice:** The Department is seeking comment on the issue of whether the regulation amendments should be submitted as a revision to the SIP.

**Public comment period:** April 2, 2007 to May 2, 2007.

**Public hearing:** First floor conference room, Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, at 9:00 a.m. on May 2, 2007.

**Public comment stage:** The regulation amendments are exempt from the state administrative procedures for adoption of regulations contained in Article 2 of the Administrative Process Act by the provisions of § 2.2-4006 A 4 c of the Administrative Process Act because they are necessary to meet the requirements of the federal Clean Air Act and do not differ materially from the pertinent EPA regulations. Since the amendments are exempt from administrative procedures for the adoption of regulations, the Department is accepting comment only on the issue cited above under "purpose of notice" and not on the content of the regulation amendments.

**Description of proposal:** In essence, the proposed revision will consist of a new regulation concerning transportation conformity. Below is a brief summary of the substantive provisions.

1. Terms unique to the article are defined. [9 VAC 5-151-10]
2. The applicability section identifies specific actions and criteria for conformity determinations with regard to federal highway and federal transportation projects in nonattainment and maintenance areas. [9 VAC 5-151-20]
3. Authority of board and DEQ identifies the specific responsibilities of the Board and the DEQ Director with respect to Virginia state law. The section also identifies the responsibility of the DEQ director regarding enforcement, administrative authority. Federal requirements mandate that the federal requirements and standards be enforceable by the state. [9 VAC 5-151-30]

4. The General section formally incorporates by reference portions of the EPA Regulation for Transportation Conformity (40 CFR Part 93) into the state regulation. This section also indicates that the specific version of the provisions adopted by reference are those contained in the most currently available CFR in effect as published on July 1, 2006. [9 VAC 5-51-40]

5. The list of designated provisions lists each transportation conformity provision adopted by EPA and incorporated into the regulation including the section number and title. [9 VAC 5-151-50]

6. Word or phrase substitutions are noted in order for Virginia-specific terms to be used throughout the regulation, to meet the requirements of the Virginia Registrar, and to specify format changes necessary to ensure that the regulation refers to Virginia regulations not federal regulations in order to meet the federal requirement that the regulation be enforceable by the state. [9 VAC 5-151-60]

7. The consultation section outlines specifically how the various government agencies, federal, state and local, will interact with and consult with each other and the general public in the development of transportation plans and associated conformity determinations. [9 VAC 5-151-70]

**Federal information:** This notice is being given to satisfy the public participation requirements of federal regulations (40 CFR 51.102) and not any provision of state law. The proposal will be submitted as a revision to the Commonwealth of Virginia SIP under § 110(a) of the federal Clean Air Act in accordance with 40 CFR 51.104.

**How to comment:** The DEQ accepts written comments by e-mail, facsimile transmission and postal mail. In order to be considered, written comments must include the full name, address and telephone number of the person commenting and be received by DEQ by 5:00 p.m. on the last day of the comment period. Due to problems with the quality of facsimile transmissions, commenters are encouraged to provide the signed original by postal mail within one week. Both oral and written comments are accepted at the public hearing. DEQ prefers that comments be provided in writing, along with any supporting documents or exhibits. All testimony, exhibits and documents received are part of the public record.

**To review regulation documents:** The proposal and any supporting documents are available on the DEQ Air Public Notices for Regulations web site (<http://www.deq.virginia.gov/air/permitting/planotes.htm>). The documents may also be obtained by contacting the DEQ representative named below. The public may review the documents between 8:30 a.m. and 4:30 p.m. of each business day until the close of the public comment period at the following locations: 1) DEQ Main Street Office, 8th Floor, 629 E. Main Street, Richmond, Virginia, (804) 698-4070, (2) DEQ Southwest Regional Office, 355 Deadmore Street, Abingdon, Virginia, (540) 676-4800, 3) DEQ West Central Regional Office, 3019 Peters Creek Road, Roanoke, Virginia, (540) 562-

6700, 4) DEQ South Central Regional Office, 7705 Timberlake Road, Lynchburg, Virginia, (804) 582-5120, 5) DEQ Valley Regional Office, 4411 Early Road, Harrisonburg, Virginia, (540) 574-7800, 6) DEQ Fredericksburg Satellite Office, 806 Westwood Office Park, Fredericksburg, Virginia, (540) 899-4600, 7) DEQ Piedmont Regional Office, 4949-A Cox Road, Glen Allen, Virginia, (804) 527-5020, 8) DEQ Northern Regional Office, 13901 Crown Court, Woodbridge, Virginia, (703) 583-3800, and 9) DEQ Tidewater Regional Office, 5636 Southern Boulevard, Virginia Beach, Virginia, (757) 518-2000.

**Contact for public comments, document requests and additional information:**

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